THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 17207 of 2007

O R D E R: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 5.5.2006 passed by the A.P. Administrative Tribunal in O.A. No. 141 of 2006.

The respondent herein filed O.A. No. 141 of 2006 before the Tribunal seeking to direct the respondents therein to count his notional service in the cadre of Lecturer for the purpose of Career Advancement Scheme and to Senior/Selection Grade Scales with effect from years 1992/2000 and to pay arrears of salary and other consequential benefits and to declare the proceedings Rc.No.954/UGC.PF.1/2001 dated 24.7.2003 as illegal and arbitrary. The Tribunal allowed the said O.A. by setting aside the impugned orders and directing the respondents to pass fresh orders in the matter of counting the notional service from 8.1.1984 to 20.6.1991 for the purpose of Career Advancement Scheme, Selection Grade in the Revised Pay Scales of 1986 and 1993. Against the said order passed by the Tribunal, the petitioners filed this writ petition.

Heard the learned counsel for the parties and perused the material available on record.

It is contended by the learned Government Pleader for Services-I appearing for the petitioners that vide Proceedings Rc.No.5209/G.C-II-I/89 dated 14.6.1991 the respondent – applicant was temporarily appointed as Lecturer in Economics with effect from 1984 notionally and it was mentioned therein that he is entitled for consequential benefits with effect from the date of his joining duty as Lecturer in Economics in Government Degree College for Men, Kurnool. It is further contended that the respondent reported to duty on 21.6.1991 and the Government vide proceedings dated 24.7.2003 rejected the request of the respondent for reckoning the notional service rendered by him from 8.1.1984 o 20.6.1991 for the purpose of Career Advancement Scheme and therefore he is not eligible for counting the notional service period from 8.1.1984 to 20.6.1991 for the purpose of Career Advancement Scheme in pursuance of the orders issued by the Government in G.O.Ms.No. 41 Education dated 12.2.1998 and G.O.Ms.No. 137 Education dated 20.9.2000, but the Tribunal erroneously passed the impugned order and therefore the same is liable to be set aside.

However, it is seen from the material available on record that the respondent was initially appointed as a Junior Lecturer on 18.1.1977 along with some other candidates. His services could not be regularized till 1991 on the ground that the appointing authorities did not receive the report with regard to

antecedents of the applicant from the Police Department. The services of the respondent were regularized with effect from 10.1.1991 by the Director of Intermediate Education with effect from the date of his initial appointment i.e. on 18.1.1977. Thereafter, the respondent's case was considered for promotion to the post of Junior Lecturer, notionally, vide proceedings dated 26.3.1991 by duly issuing show cause notice to the affected persons. As no objections were received, he was appointed as Lecturer in Economics in the pre-revised scale of Rs.700-1600 with effect from 8.1.1984 notionally. Ever since, he is working as Lecturer in Economics. In proceedings dated 14.6.1991 the 2nd petitioner herein has stated that the applicant is entitled for consequential benefits with effect from the date of his joining duty as Lecturer in Economics in Government Degree College for Men, Kurnool As per the said proceedings of the 2nd respondent the pay of the applicant was also fixed with effect from 8.1.1984 but the monetary benefit was given only from the date of joining of the applicant in the post of Lecturer. Thereafter the pay of the applicant was re-fixed in the proceedings of the 3rd respondent in his Rc.No.171-SA/92 dated 15.4.1993 as per the U.G.C. Pay Scales, 1986.

The material available on record further discloses that similarly situated person has been extended the benefit of counting the notional seniority for the purpose of Career

Advancement Scheme. Having considered the said aspect and also the fact that the amendments issued in G.O.Ms.No. 41 dated 12.12.1998 are prospective in operation but not retrospective, the Tribunal rightly directed the respondents to pass fresh orders in the matter of counting the notional service from 8.1.1984 to 20.6.1991 for the purpose of Career Advancement Scheme, Selection Grade in the Revised Pay Scales of 1986 and 1993 and therefore this Court does not find any reason to interfere with the said order passed by the Tribunal.

We find no merit in this writ petition. The writ petition is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 14-08-2007.

MVB.